## EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

**DOCKET NO.:** 2007-0938-AIR-E **TCEQ ID:** RN100210319 **CASE NO.:** 33797

RESPONDENT NAME: Equistar Chemicals, LP

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ORDER TYPE:		
_1660 AGREED ORDER	X FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	EMERGENCY ORDER	
CASE TYPE:		
XAIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
SITE WHERE VIOLATION(S) OCCURE	RED: Equistar Chemicals La Porte Complex, 1515 I	Miller Cut Off Road, La Porte, Harris County
TYPE OF OPERATION: Chemical plant		
SMALL BUSINESS: Yes X	Ňo	
OTHER SIGNIFICANT MATTERS: The Docket Nos. 2007-0519-AIR-E, 2007-1333-	re are no complaints. There are three pending enfordAIR-E, and 2007-1715-AIR-E.	cement actions regarding this facility location,
INTERESTED PARTIES: No one other th	an the ED and the Respondent has expressed an inte	rest in this matter.
COMMENTS RECEIVED: The Texas Reg	rister comment period expired on January 22, 2008.	No comments were received.
TCEQ Enforcement Coordinator Bryan Sinclair, Enforcement Divis Respondent: Mr. Philip Nangle, S Texas 77536 Mr. Marcus W. Gaddy, Plant Man	or: Ms. Melissa Keller, SEP Coordinator, Enforcement Ms. Miriam Hall, Enforcement Division, Enforcer ion, MC 219, (512) 239-2171 enior Environmental Engineer, Equistar Chemicals, ager, Equistar Chemicals, LP, 1515 Miller Cut Off esented by counsel on this enforcement matter	nent Team 4, MC 149, (512) 239-1044; Mr.  LP, 1515 Miller Cut Off Road, Deer Park,

## **RESPONDENT NAME:** Equistar Chemicals, LP

**DOCKET NO.:** 2007-0938-AIR-E

#### **VIOLATION SUMMARY CHART:** CORRECTIVE ACTIONS (1980) VIOLATION INFORMATION PENALTY CONSIDERATIONS TAKEN/REQUIRED A COLOR The state of the s Type of Investigation: Total Assessed: \$50,000 **Corrective Actions Taken:** Complaint X Routine The Executive Director recognizes that the Total Deferred: \$0 Enforcement Follow-up Respondent has implemented the following Expedited Settlement X Records Review corrective measures at the Plant for the December 13, 2005 incident: Financial Inability to Pay Date(s) of Complaints Relating to this a. On March 20, 2006, modified the unit Case: None SEP Conditional Offset: \$25,000 start-up procedure to prevent blocked-in and Date of Investigation Relating to this contained ethylene in PSV piping; Total Paid to General Revenue: \$25,000 Case: April 20, 2006 and April 13, 2007 b. On March 25, 2006, added pipe supports Site Compliance History Classification High X Average Poor to eliminate excessive vibration and Date of NOV/NOE Relating to this Case: performed liquid penetrant inspection on May 9, 2007 and May 30, 2007 (NOE) similarly designed tie-in points of thermal **Person Compliance History Classification** relief valves on the feed and product lines; Background Facts: This was a routine \_\_ High <u>X</u> Average \_\_ Poor investigation and a routine records review. c. On December 13, 2006, reviewed and Major Source: X Yes \_\_\_ No revised the unit process hazard analysis/relief AIR valve sizing to verify adequate sizing of relief Applicable Penalty Policy: September 2002 valves and shared incident findings and 1) Failed to control unauthorized emissions on December 13, 2005 [30 Tex. hazard recognitions with all operation shifts; **Findings Orders Justification:** ADMIN. CODE §§ 101.20(3), 116.115(c), Permit No. 18978/PSD-TX-752M3, Unauthorized emissions which are excessive d. On July 2, 2007, submitted a Corrective Special Condition ("SC") No. 1, TEX. emissions events. Action Plan to the TCEO Houston Regional HEALTH & SAFETY CODE § 382.085(b)]. Office which was approved on August 28, 2007. The plan had been completed before it was approved. 2) Failed to control unauthorized emissions on March 4, 2007 [30 Tex. **Ordering Provisions:** ADMIN. CODE §§ 115.722(c)(1), 116.115(c), Permit No. 4477, SC No. 1, Tex. Health & Safety Code § 1) The Order will require the Respondent to implement and complete a Supplemental 382.085(b)]. Environmental Project (SEP). (See Attachment A) 2) The Order will also require the Respondent/to: a. Within 30 days after the effective date of this Agreed Order, implement improvements to designs, operations, and/or maintenance practices that address the causes leading to the March 4, 2007 emissions event and are designed to prevent recurrence of same or similar incidents; and b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a.

# Attachment A Docket Number: 2007-0938-AIR-E

#### SUPPLEMENTAL ENVIRONMENTAL PROJECT

**Respondent:** 

Equistar Chemicals, LP

**Payable Penalty Amount:** 

Fifty Thousand Dollars (\$50,000)

**SEP Amount:** 

Twenty-Five Thousand Dollars (\$25,000)

Type of SEP:

Pre-approved

**Third-Party Recipient:** 

Houston-Galveston AERCO's Clean Cities/Clean Vehicles

**Program** 

**Location of SEP:** 

**Harris County** 

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

#### 1. Project Description

#### A. Project

The Respondent will contribute to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program in Harris County. The contribution will be used in accordance with the *Supplemental Environmental Project Agreement between the Houston-Galveston AERCO and the Texas Commission on Environmental Quality*. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

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#### B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions on buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

#### C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

#### 2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Houston-Galveston Area Council Houston-Galveston AERCO P.O. Box 22777 Houston, Texas 77227-2777

#### 3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division Attention: SEP Coordinator, MC 219 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

#### 4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality Financial Administration Division, Revenues Attention: Cashier, MC 214 P.O. Box 13088 Austin, Texas 78711-3088

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Equistar Chemicals, LP Agreed Order - Attachment A

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

#### 5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

#### 6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

#### 7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

	Per	nalty (	Calculatio	n Works	heet (P	CW)	
Policy Revision 2 (Sep							Revision May 25, 2007
TCEQ					endings are give a second		
DATES Assigned PCW	14-May-2007 12-Jun-2007	Screenin	ng 12-Jun-2007	BPA Due	5-Feb-2008		
RESPONDENT/FACILITY	INFORMATION Equistar Chemic	als I P					
Reg. Ent. Ref. No.				· · · · · · · · · · · · · · · · · · ·	<del></del>	<del>de de la compensación de la compensación de la co</del>	
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SUM OF SUBTOTAL	_S 1-7					Final Subtotal	\$81,600
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:					Final Pe	enalty Amount	\$81,600
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PAYABLE PENALTY	Y						\$50,000

Screening Date 12-Jun-2007

Docket No. 2007-0938-AIR-E

PCW

 $\textbf{Respondent} \,\, \textbf{Equistar Chemicals, LP}$ 

**Case ID No.** 33797

Policy Revision 2 (September 2002) PCW Revision May 25, 2007

Reg. Ent. Reference No. RN100210319

Media [Statute] Air

Enf. Coordinator Miriam Hall

mponent		nter Number Here	~
	Written NOVs with same or similar violations as those in the current enforcement action		7 tajaoti
	(number of NOVs meeting criteria)	29	145%
	Other written NOVs	, 40	80%
, 1 <del></del> 	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	7 juwi sa 6	25%
udgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
Decrees			0%
onvictions		0	0%
	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	2 2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
	Plea	se Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
O.L.TOI	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
·	Adjustment P	ercentage (Sı	ubtotal 2)
iolator (Su	btotal 3) Transaction of the transaction of the second of	নি গাঁকি প্ৰান্থ কৰি জ্ব ব	
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ice History	Person Classification (Subtotal 7)		_
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ice History	Summary State Control of the Control		
•	Penalty was enhanced for 29 similar NOVs, 40 other NOVs, three 1660 orders, and one Fi The penalty was reduced for two Notices of Audit.	ndings order.	·
	onvictions missions  Audits  Other  iolator (Su No nce History Average Ponce History Compliance History	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)  Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government  Any criminal convictions of this state or the federal government (number of counts)  Emissions  Any criminal convictions of this state or the federal government (number of counts)  Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)  Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)  Environmental management systems in place for one year or more  Voluntary on-site compliance assessments conducted by the executive director under a special assistance program  Participation in a voluntary pollution reduction program  Early compliance with, or offer of a product that meets future state or federal government environmental requirements  Adjustment P iolator (Subtotal 3)  No  Adjustment P iolator (Subtotal 3)  Penalty was enhanced for 29 similar NOVs, 40 other NOVs, three 1660 orders, and one Fi The penalty was reduced for two Notices of Audit.	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)  Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government  Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government (number of counts)  Onvictions  Any criminal convictions of this state or the federal government (number of counts)  Other Chronic excessive emissions events (number of events)  Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audit Privilege Act, 74th Legislature, 1995 (number of audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)  Please Enter Yes or No  No  Priving the executive director under a special assistance program  Participation in a voluntary pollution reduction program  Participation in a voluntary pollution program  No  Adjustment Percentage (State History Summary  Participation in a voluntary pollution program pollution program poll

Screening Date	12-Jun-2007	Docket No. 2007-0938	-AIR-E	PCW
	Equistar Chemicals, LP		Policy Rev	rision 2 (September 2002)
Case ID No.	*****		PC	W Revision May 25, 2007
Reg. Ent. Reference No.				metricki et
Media [Statute]				OCCONOMIC APPL
Enf. Coordinator				Muslin shriftle en
Violation Number				addition to Avenue
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3 Special Condition ("SC") No	3), 116.115(c), Permit No. 18 . 1, Tex. Health & Safety Coc	978/PSD-TX-752M3, le § 382.085(b)	
Violation Description	Failed to control unauthorized em December 13, 2005. Specifically, E rupture of pressure safety valve associated header line in the Olefir the total release of 12,881 pounds ruptured piping and 2,981 lbs of VC lasted two hours. It was determine event; therefore, the affirmative	quistar failed to prevent exce ("PSV") inlet piping which was s Manufacturing Unit. The p ("Ibs") of VOC, including 9,900 of from the main elevated fland that this release was an o	essive vibration and the as connected to an iping failure resulted in 00 lbs of ethylene from re during an event that excessive emissions	
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	One single ever	nt was documented.		The Land College of the College of t
Economic Benefit (EB) for t	his violation	Statuto	ry Limit Test	
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		ation Final Assessed Pena	Ity (adjusted for limite)	\$10,000
Section 12	I IIIS VIO	auvii Filiai Assesseu Pelia	ity (aujusteu for milits)	\$1.00 m

#### Economic Benefit Worksheet Respondent Equistar Chemicals, LP Case ID No. 33797 Reg. Ent. Reference No. RN100210319 Percent Interest Depreciation Media Air Violation No. 1 Asia recuiri 5.0 15 Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs **Delayed Costs** Equipment \$2,100 Buildings 0.0 Other (as needed) 0,0 \$0 \$0 \$0 Engineering/construction 0,0 \$0 \$0 0,0 Land n/a 0,0 Record Keeping System \$0 \$0 \$0 \$0 \$0 n/a Training/Sampling n/a Remediation/Disposal 0.0 n/a Permit Costs 0.0 '\$0 n/a \$0 13-Dec-2005 28-Aug-2007 1.7 \$171 n/a \$171 Other (as needed) \$2,000 The "Equipment" cost is the estimated cost of adding pipe supports, conducting liquid penetrant inspections, and taking other completed corrective actions. The "Other" costs are the cost of submitting a Corrective Action Plan. Notes for DELAYED costs The "Date Required" is the date of the violation, and the "Final Date" is the date actions were completed and/or approved. ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** Disposal 0.0 \$0 \$0 Personnel 0,0 \$0 \$0 \$0 Inspection/Reporting/Sampling 0.0 \$0 \$0 \$0 \$0 Supplies/equipment 0,0 Financial Assurance [2] 0,0 \$0 ONE-TIME avoided costs [3] 0.0 Other (as needed) Notes for AVOIDED costs Approx. Cost of Compliance TOTAL

Scre	ening Date	12-Jun-2007			Oocket No. 20	07-0938-	AIR-E		PCW	<b>J</b> ames I
R	espondent	Equistar Chem	icals, LP					Policy R	evision 2 (September 20	02)
C	ase ID No.	33797						F	CW Revision May 25, 20	207
Reg. Ent. Ref										-
	ia [Statute]									
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Viola	tion Number	2	- O-d- 00 4	04.00(0), 440	44E(a) Darmit N	0 10070	/DCD TV	750M2 SC	1	
	Rule Cite(s)		No. 1,	Tex. Health &	115(c), Permit N Safety Code § 3	82.085(b	)			
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Reg. Ent. Reference No. Media Violation No.	Air					Percent Interest	Years of Depreciation
						5.0	1
Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs		angari na ay na dayan grabasa	i della contract	ADMINISTRATION	elis is a company		
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Buildings	garnes deservations deservation	4.1.4	TV 4.5 September 50	0.0	\$0	\$0	\$0
Other (as needed)	State of the second			0.0	\$0	\$0	\$0
Engineering/construction				0,0	\$0	\$0	\$0
Land				0,0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	Color Color			0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	The second self-self-self-self-self-self-self-self-			0.0	\$0	n/a	\$0
			The second secon				
Other (as needed)		Th	e economic bene	0.0	\$0	n/a	\$0
Other (as needed)  Notes for DELAYED costs  Avoided Costs  Disposal Personnel	ANN	UALIZE [1] avoide		fit is inclusional fit is inclusional fit is inclusional fit is inclusional fit inclusional fi	so  Ided in Violation N  Item (except for \$0 \$0	io. 1.  one-time avoided c	\$0 osts) \$0 \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling		UALIZE [1] avoide		fit is inclusional fit is inclusional fit is inclusional fit is inclusional fit inclusional fi	\$0  Ided in Violation Notes (except for \$0 \$0 \$0	io. 1.  one-time avoided c  \$0  \$0  \$0	\$0 osts) \$0 \$0 \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment		UALIZE [1] avoide		fit is inclusion of the content of t	uded in Violation Nitem (except for \$0 \$0 \$0 \$0	io. 1.  one-time avoided c  \$0  \$0  \$0  \$0	\$0 osts) \$0 \$0 \$0 \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		UALIZE [1] avoide		it is inclusive in the second of the second	so uded in Violation N item (except for \$0 \$0 \$0 \$0	io. 1.  one-time avoided c  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$	\$0 osts) \$0 \$0 \$0 \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		UALIZE [1] avoide		entering	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0	\$0 osts) \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		UALIZE [1] avoide		it is inclusive in the second of the second	so uded in Violation N item (except for \$0 \$0 \$0 \$0	io. 1.  one-time avoided c  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$	\$0 osts) \$0 \$0 \$0 \$0 \$0

Scre	ening Date	12-Jun-2007		Docket No. 2007-0938	B-AIR-E	PCW
		Equistar Chem	nicals, LP		Policy Re	vision 2 (September 2002)
C	Case ID No.	33797	•		. PC	W Revision May 25, 2007
Reg. Ent. Ref	erence No.	RN100210319				
	ia [Statute]					
	oordinator	Miriam Hall				
Viola	ation Number	3		//0 //E/ \ D	0/DOD TV 750M0 00 7	
	Rule Cite(s)		No. 1, Tex. Hea	116.115(c), Permit No. 1897 th & Safety Code § 382.085	(b)	
Violatio	n Description	Specifically, piping which Unit. The elevated flare	Equistar failed to preve was connected to an a piping failure resulted during an event that la sive emissions event;	on oxides "(NO <sub>x</sub> ") emissions on the excessive vibration and the ssociated header line in the in the release of 1,610 lbs of sted two hours. It was deter therefore, the affirmative defo 01.222 is not applicable.	ne rupture of PSV inlet Olefins Manufacturing NO <sub>x</sub> from the main mined that this release	
					Base Penalty	\$10,000
>> Environmental	, Property a	and Human	Health Matrix			
		Malan	Harm Madagata Minas			
OR	Release Actual	r	Moderate Mino			
<b>U</b> 1,	Potential			Percent	25%	
		1			hannon and a second a second and a second and a second and a second and a second an	
>>Programmatic	Matrix	14 (15 (16 (16 (16 (16 (16 (16 (16 (16 (16 (16	A Marin Committee of the American Committee			à
	Falsification	Major	Moderate Mino		00/7	•
	L			Percent	0%	
Matrix Notes	Human hea levels tha	alth or the envir t are protective	onment has been expo of human health or en	sed to insignificant emission vironmental receptors as a re	s which do not exceed esult of this violation.	
and the second s		UME KE		Adjustmer	\$7,500	
					Ţ.	\$2,500
propriessor and the second	and the second of the second o	METALONICA, CONTRACTOR			A CONTROL OF STREET AND STREET	
Violation Events			34,20,000			
	Number of Vi	olation Events		1 Number of	of violation days	
	Number of Vi	olation Events <sub>[</sub>			· · · · · · · · · · · · · · · · · · ·	
	*	daily				
		monthly				¢2.500
	mark only one with an x	quarterly			Violation Base Penalty	\$2,500
	With an x	semiannual annual				
		single event	X			
		onigio overit				_
			One single even	t was documented.		
Economic Benefi	it (EB) for th	nis violation		Statuto	ory Limit Test	• ************************************
and the control of th		ed EB Amount		\$0 Viola	tion Final Penalty Total	\$10,200
				() =1I A	It . ( - alice de al familiarit - V	\$10,000
			This viol	ation Final Assessed Pena	ity (adjusted for limits)	φ10,000

D. F. C. D. C. S. M.	33797				•		
Reg. Ent. Reference No. Media Violation No.	Air				in un mili	Percent Interest	Years of Depreciation
Violation					医真圆虫 电压机	5.0	1:
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	histor achemini		ot te prophilippi (1944) 1960 pr Calebra di dispersibili (1961)				
Delayed Costs			Markanan (Kala)	- 1 - 140	4. Grand Visiterats		
Equipment				0.0	\$60	\$0	\$0
Buildings	7.00000			0.0	\$0	\$0	\$0
Other (as needed)	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			0,0	\$0	\$0	\$0
Engineering/construction			Fig. 1. September 1	0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System		7.171.8415.11.11	10 to 10 00 00 10 1000	0.0	\$0	n/a	\$0
Training/Sampling		r i de l'Albanda de Late	117230033411	0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
B				0.0	\$0	n/a	\$0
Permit Costs	<ul> <li>ii i i monta trakla pinal</li> </ul>						
Permit Costs Other (as needed)  Notes for DELAYED costs		Th	e economic benefit	0,0	\$0	n/a	\$0
Other (as needed)  Notes for DELAYED costs  Avoided Costs	ANN	ر المرافق المر وقال المرافق ا	e economic benefit	0.0 is inclu tering	\$0 Ided in Violation N	n/a lo. 1. one-time avoided c	\$0 osts)
Other (as needed)  Notes for DELAYED costs  Avoided Costs  Disposal	ANN	ر المرافق المر وقال المرافق ا	e economic benefit	0.0 is Inclu tering 0.0	\$0 Ided in Violation N	in/a lo. 1. one-time avoided c	\$0 osts) \$0
Other (as needed)  Notes for DELAYED costs  Avoided Costs  Disposal Personnel	ANN	ر المرافق المر وقال المرافق ا	e economic benefit	is Inclusive in tering 0.0 0.0 0.0	\$0  Ided in Violation N  Item (except for \$0 \$0	on/a sin/a lo. 1. sin/a one-time avoided c s0 \$0	\$0 osts) \$0 \$0
Other (as needed)  Notes for DELAYED costs  Avoided Costs  Disposal Personnel Inspection/Reporting/Sampling	ANN	ر المرافق المر وقال المرافق ا	e economic benefit	0.0 is Inclu tering 0.0 0.0	\$0  Ided in Violation Notes that the second	o. 1.  one-time avoided c  \$0  \$0  \$0	\$0 osts) \$0 \$0 \$0
Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	ANN	ر المرافق المر وقال المرافق ا	e economic benefit	0.0 is inclu tering 0.0 0.0 0.0	\$0  ded in Violation N  item (except for \$0 \$0 \$0 \$0	o. 1.  one-time avoided c  \$0  \$0  \$0	\$0 osts) \$0 \$0 \$0 \$0
Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN	ر المرافق المر وقال المرافق ا	e economic benefit	0.0 is Inclusive in tering 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	o. 1.  one-time avoided c  \$0  \$0  \$0  \$0  \$0  \$0	\$0 osts) \$0 \$0 \$0 \$0 \$0
Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN	ر المرافق المر وقال المرافق ا	e economic benefit	0.0 is inclu tering 0.0 0.0 0.0	\$0  ded in Violation N  item (except for \$0 \$0 \$0 \$0	o. 1.  one-time avoided c  \$0  \$0  \$0	\$0 osts) \$0 \$0 \$0 \$0
Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2]	ANN	UALIZE [1] avoide	e economic benefit	0.0 is Inclusive	\$0  Ided in Violation N  Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	o. 1.  one-time avoided c  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date	12-Jun-2007	Docket	<b>No.</b> 2007-0938-AIR-E	PCW
Respondent	Equistar Chemicals, LP			Policy Revision 2 (September 2002)
Case ID No.				PCW Revision May 25, 2007
Reg. Ent. Reference No.				To a de de termina de la companya de
Media [Statute]				
Enf. Coordinator  Violation Number	Miriam Hall			
Rule Cite(s)	30 Tex Admin, Code §§	115.722(c)(1), 116.115	5(c), Permit No. 4477, SC No. 1	Tex.
,	00 10X. 7 (a) 1111. 0000 33	Health & Safety Code		
Violation Description	failed to prevent secondar which led to the compress of VOC, including 1,20 vinyltrimethoxysilane fr Equistar also exceeded t 1,200 lbs when 1,219.71 27 minutes. Equistar f leading up to the emission affirmative defense in	y compressor cylinder visor shutdown and the uilling. I so fethylene, 18 for reactor vents during the one-hour highly-read lbs of ethylene and propalled to identify the undons event. Equistar fail	March 4, 2007. Specifically, Exibration at the AB-III Polyethyle nauthorized emissions of 1,284,39 lbs of propylene and 64.77 lg an event which lasted 27 minipartive VOC ("HRVOC") emission bylene, both HRVOC, were relearlying cause or contributing farled to meet the demonstrations § 101.222 because it could not it was unavoidable.	ene Unit .48 lbs bs of utes. cap of ased in ctors for an
			Base	Penalty \$10,000
>> Environmental, Property a	nd Human Health Ma	trix	A BANG TOP TO A STATE OF THE ST	
Release	Harm Major Moderate	Minor		
OR Actual		X		
Potential			Percent 25%	
	serve of the order	**************************************		
>>Programmatic Matrix Falsification	Major Moderate	Minor		
T alsilication	Major Moderate		Percent 0%	
Motrix Human heal	Ith or the environment has	heen exposed to insign	ificant emissions which do not	exceed
			receptors as a result of this viol	
Studies (1989)				
	STATE OF THE PROPERTY OF STATE OF THE STATE		Adjustment	\$7,500
2. 2. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1.	TOTALON STATE CONTRACTOR AND THE SECTION .		20012500000270.7 <b>9</b> 0130031444647999999	40 500
				\$2,500
Violation Events	e englishelding of the second	Symple Per view. P. C.	And the product of the second	
				EXPLINITIONS FORK
Number of Vic	olation Events 1		Number of violation days	;
	I and the second	7		
	daily monthly		•	
mark only one	quarterly		Violation Base	Penalty \$2,500
with an x	semiannual			
	annual	_		
	single event x			
	One s	ingle event was docum	ented.	
Economic Benefit (EB) for th	is violation		Statutory Limit Tes	<b>t</b>
Estimate	d EB Amount	\$108	Violation Final Pena	lity Total \$10,200
	December 2011	This violeties Fire!	Assessed Penalty (adjusted fo	or limits) \$10,000
	and materials on a second service on about the second of t	inis violation Final	455esseu renaity (aujusted f	7 mm(s)  \$10,000

ost Date Requesor\$			Interest Saved	Percent Interest 5.0 Onetime Costs	ÉB Amount
		0.0	Interest Saved	Onetime Costs	\$0
		0.0	\$0 \$0	\$0 I	\$0
		0,0	\$0		
		0,0	\$0		
				1 \$0 1	
		0.0			\$0
	The state of the s		\$0	\$0	\$0
	and the second s	0.0	\$0	\$0	\$0
		0.0	\$0	n/a	\$0
		0.0	\$0	n/a ''''	\$0 \$0
	A 1	,000	\$0.110%	n/a	\$0
					\$0
CONTRACTOR OF THE PARTY OF THE	The state of the s				\$0 \$108
			m the violation date	e to projected comple	etion date.
	STRUMENTS TO STRUME	0.0		\$0	\$0.
	That seed on the seed of	0.0	\$0	\$0	\$0
	Jan a Harri	and the second s	\$0	\$0	\$0
		0.0	\$0	\$0	\$0
	a a la	0,0	\$0	\$0 .	\$0
. National Action of the Control of		The second secon	1	The State Commission of the Co	
Maria de Caracteria de Caracte		0.0	\$0	\$0 '	\$0
֡	0 4-Mar-20	0 4-Mar-2007 31-Mar estimated cost of taking corrective  ANNUALIZE [1] avoided costs I	e estimated cost of taking corrective measures from  ANNUALIZE [1] avoided costs before entering  0.00 0.00 0.00 0.00 0.00 0.00 0.00 0	0.0   \$0 \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	

Screening Dat	<b>e</b> 12-Jun-2007	Docket No. 2007-0	938-AIR-E	PCW
Responder	nt Equistar Chemicals, LP		Policy Re	evision 2 (September 2002)
Case ID No	<b>).</b> 33797		P	CW Revision May 25, 2007
Reg. Ent. Reference No	RN100210319			
Media [Statute	a] Air			
Enf. Coordinate	or Miriam Hall			
Violation Number				
Rule Cite(	s) 30 Tex. Admin. Code §§	115.722(c)(1), 116.115(c), Permit N Health & Safety Code § 382.085(b)	lo. 4477, SC No. 1, Tex.	
Violation Description	to prevent secondary com led to the compressor particulate matter, from re failed to identify the under event. Equistar failed to	zed emissions on March 4, 2007. Spressor cylinder vibration at the AB-shutdown and the unauthorized emiactor vents during an event which lalying cause or contributing factors lemeet the demonstrations for an affire because it could not be determined unavoidable.	III Polyethylene Unit which ssions of 124.56 lbs of sted 27 minutes. Equistar ading up to the emissions mative defense in 30 Tex.	
			Base Penalty	\$10,000
>> Environmental, Property	, and Human Health Ma	trix		
	Harm		China and the Control of the Control	11.00
Relea		Minor		-
OR Actu		X	<b>2 2 2 2 2 3 3 3 3 3 3 3 3 3 3</b>	
Potent	ial	Perce	nt 25%	
>>Programmatic Matrix				
Falsification	on Major Moderate	Minor		
		Perce	nt 0%	
				₹1
Matrix Human h Notes levels th	ealth or the environment has nat are protective of human h	been exposed to insignificant emiss ealth or environmental receptors as	ions which do not exceed a result of this violation.	
		Adjustn	nent \$7,500	
and the second of the second second second		is ar section of the second	ψ,,σοσ	
				\$2,500
Violation Events		Burni Talas Athara (1881)	Same of Control	
Number of	Violation Events 1	1 Numb	er of violation days	
	L		·	
	daily			
	monthly			£2.500
mark only of			Violation Base Penalty	\$2,500
with an x	semiannual	_		
	annual x	=		
	single event x			
				1
	One s	ingle event was documented.		-
Economic Benefit (EB) for	this violation	Statı	utory Limit Test	
Estima	ated EB Amount	\$0 Vic	olation Final Penalty Tota	I\$10,200
	he property of the second		and the fadinated for the	\$10,000
The second section of the second seco	nen en en engagement i modi, en mysjigggggger en i modifyr i mod en engagement en	This violation Final Assessed Pe	enaity (adjusted for limits	J

	Salibo or 崖	conomic	Benefit W	orks	sheet		4333 ·
Respondent	Equistar Chemi			1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			*LD*94400 1 1
Case ID No.							
Reg. Ent. Reference No.	RN100210319						
Media Violation No.	Air					Percent Interest	Years of Depreciation
	THE SHALL SHE HE STATE OF THE SHALL SHE				Jan Karr	5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	PARISTRI COMUNICACIÓN A		1.76	Printer your		
Contention to South Mathematica	110 COMITIES OF Ψ						
Delayed Costs	ization algebra	entyresterest teleparati		1897		5.1.	
Equipment	a leville de la company			0.0	\$0.	\$0	\$0
Buildings	المتحالة المتعالية	r de reporte en		0,0	\$0	\$0	\$0
Other (as needed)	rapporation to the design of	Santing and the santing of the santi	Cole Cole	0.0	\$0	<b>\$</b> 0	\$0
Engineering/construction		a and bear which the		0.0	\$0	n Desc <b>0\$</b> nion!	\$0
Land		10 10 10 10 10 10 10 10 10 10 10 10 10 1		0.0	\$0	n/a	\$0
Record Keeping System	Marian I			0.0	\$0	n/a	\$0
Training/Sampling			11 1 15 4 K HI 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	0.0	\$0	n/a	\$0
Remediation/Disposal		1.128	1.10	0.0	\$0	n/a.	\$0
Permit Costs				0.0	\$0 \$0	n/a	\$0
						and the second s	- 50
Other (as needed)				0.0	<u> </u>	n/a	\$0
Notes for DELAYED costs  Avoided Costs	ANN		ne economic benef	fit is inclu	ided in Violation N	lo. 4. one-time avoided c	osts)
Notes for DELAYED costs  Avoided Costs  Disposal				fit is inclusion in the second	ided in Violation N	lo. 4. one-time avoided c	osts)
Notes for DELAYED costs  Avoided Costs Disposal Personnel	ANN			entering	item (except for	lo. 4.  one-time avoided o	sosts) \$0 \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling				fit is inclusion in the second	ided in Violation N	lo. 4. one-time avoided c	sosts) \$0 \$0 \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel				it is inclusive intering	item (except for \$0 \$0 \$0	io. 4.  one-time avoided of \$0  \$0  \$0	sosts) \$0 \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment				entering 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]				entering  0.0  0.0  0.0  0.0  0.0	item (except for a \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2] ONE-TIME avoided costs [3]				entering  0.0  0.0  0.0  0.0  0.0  0.0  0.0	item (except for a \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2] ONE-TIME avoided costs [3]				entering  0.0  0.0  0.0  0.0  0.0  0.0  0.0	item (except for a \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs  Avoided Costs  Disposal  Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		UALIZE [1] avoid		it is inclusion in the	item (except for a \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

# **Compliance History**

Customer/Respondent/Owner-Operator:

Regulated Entity:

ID Number(s):

CN600124705 E	quistar Chemicals, LP	Classification: A	AVERAGE	Rating: 2.55
	QUISTAR CHEMICALS LA COMPLEX	PORTE Classification: A	VERAGE	Site Rating: 1.90
AIR OPERATING PE	RMITS	ACCOUNT NUMBER		HG0770G
AIR OPERATING PE	RMITS	PERMIT		1606
AIR OPERATING PE	RMITS	PERMIT		2223
AIR OPERATING PE	RMITS	PERMIT		2224
AIR OPERATING PE		PERMIT		2225
AIR OPERATING PE		PERMIT		2226
AIR OPERATING PE		PERMIT		51737
WASTEWATER	i divir i o	PERMIT		WQ0004013000
WASTEWATER		PERMIT		TPDES0119792
WASTEWATER		PERMIT		TX0119792
	CTEM/CURDIN			1012680
PUBLIC WATER SY		REGISTRATION		
GENERATION	IAZARDOUS WASTE	EPA ID	ON #	TXR000025809
INDUSTRIAL AND H GENERATION	IAZARDOUS WASTE	SOLID WASTE REGISTRATI (SWR)	ON#	85436
AIR NEW SOURCE	PERMITS	PERMIT		19109
AIR NEW SOURCE		PERMIT		4477
		PERMIT		5226
AIR NEW SOURCE				5836
AIR NEW SOURCE		PERMIT		
AIR NEW SOURCE		PERMIT		18978
AIR NEW SOURCE		PERMIT		19501
AIR NEW SOURCE		PERMIT		20534
AIR NEW SOURCE	PERMITS	PERMIT		22043
AIR NEW SOURCE	PERMITS	PERMIT		39143
AIR NEW SOURCE	PERMITS	PERMIT		38605
AIR NEW SOURCE	PERMITS	PERMIT		40078
AIR NEW SOURCE	PERMITS	PERMIT		42576
AIR NEW SOURCE	PERMITS	PERMIT		42401
AIR NEW SOURCE	PERMITS	PERMIT		43676
AIR NEW SOURCE		PERMIT		45099
AIR NEW SOURCE		PERMIT		46127
AIR NEW SOURCE		ACCOUNT NUMBER		HG0770G
AIR NEW SOURCE		AFS NUM		4820100055
AIR NEW SOURCE		EPA ID		PSDTX752
		EPA ID		PSDTX818
AIR NEW SOURCE		PERMIT		42349
AIR NEW SOURCE				70535
AIR NEW SOURCE		REGISTRATION		
AIR NEW SOURCE		PERMIT		49122
AIR NEW SOURCE		PERMIT		53934
AIR NEW SOURCE	PERMITS	PERMIT		53387
AIR NEW SOURCE		REGISTRATION		74666
AIR NEW SOURCE	PERMITS	REGISTRATION		74778
AIR NEW SOURCE	PERMITS	REGISTRATION		76465
AIR NEW SOURCE	PERMITS	EPA ID		PSDTX752M3
AIR NEW SOURCE		REGISTRATION		77716
AIR NEW SOURCE		REGISTRATION		77957
AIR NEW SOURCE		REGISTRATION		78470
AIR NEW SOURCE		REGISTRATION		78947
AIR NEW SOURCE		REGISTRATION		79239
WATER LICENSING		LICENSE		1012680
STORMWATER	J	PERMIT		TXR05N516
INDUSTRIAL AND I	HAZARDOUS WASTE	PERMIT		50383
STORAGE IHW CORRECTIVE	ACTION	SOLID WASTE REGISTRAT	ION#	50383
IHW CORRECTIVE	ACTION	(SWR) SOLID WASTE REGISTRAT	ION#	85436
	ACTION	(SWR)		50383
IHW CORRECTIVE	: ACTION	PERMIT		50383

Location:

TCEQ Region:

Date Compliance History Prepared:

REGION 12 - HOUSTON

July 09, 2007

Agency Decision Requiring Compliance History:

Enforcement

Compliance Period:

July 09, 2002 to July 09, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Miriam Hall

(512) 239-1044

#### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period?

Yes

2. Has there been a (known) change in ownership of the site during the compliance period?

Ñο

3. If Yes, who is the current owner?

N/A

4. if Yes, who was/were the prior owner(s)?

N/A

5. When did the change(s) in ownership occur?

N/A

#### Components (Multimedia) for the Site:

Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. A

Effective Date: 03/31/2003

ADMINORDER 2002-0863-AIR-E (1660)

Classification: Minor

Citation

5C THC Chapter 382, SubChapter A 382.085(a)

Description: Allow unauthorized emissions by failing to re-open a control valve after maintenance, resulting in upset emissions of 13,554 lbs of ethylene, 743 lbs of carbon monoxide, and 144 lbs of nitrogen oxides.

Effective Date: 01/08/2004

ADMINORDER 2003-0630-AIR-E (1660)

Classification: Moderate

30 TAC Chapter 101, SubChapter F 101.201(b)(8)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to include the authorized emission limits on the initial and final emission events reports.

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

5C THC Chapter 382, SubChapter A 382.085(b)

SC 1 PERMIT Ramt Prov:

Description: Failure to control emission of air contaminants as provided in General Condition No. 8 and Special

Condition No. 1 of TCEQ Air Permit No. 18978.

Classification: Moderate

Citation:

30 TAC Chapter 101, SubChapter A 101.20(1)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-1(e)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to car-seal close the valve on the waste gas stream line to the incinerator which has the

potential to bleed a 2-foot section of pipe between the valves to the atmosphere.

Effective Date: 04/05/2004

ADMINORDER 2003-0117-IWD-E (1660)

Classification: Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rgmt Prov: Not specified PERMIT

Description: Failure to comply with permitted effluent limits at Outfall 003.

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Ramt Prov: Not specified PERMIT

Description: Failed to report, in writing, effluent violations deviating from permitted limits by more than 40% within

five days of becoming aware of the violations.

Effective Date: 12/02/2006

ADMINORDER 2006-0295-AIR-E (Findings)

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter D 382.085(b)

No.18978, Special Condition No. 1 PERMIT Ramt Prov:

Description: Equistar failed to maintain an emission rate below the allowable emission limits.

В. Any criminal convictions of the state of Texas and the federal government.

N/A

Ċ. Chronic excessive emissions events.

The approval dates of investigations. (CCEDS Inv. Track. No.) D.

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1 07/24/2002
                  (235417)
   07/31/2002
                  (4126)
   08/08/2002
                  (2987)
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   08/14/2002
                  (5893)
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22 01/24/2003
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23 01/24/2003
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                  (235399)
24 02/20/2003
25 02/28/2003
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    06/16/2004
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(270110)

68 08/31/2004

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Written notices of violations (NOV). (CCEDS Inv. Track. No.)
     Date: 07/31/2002
                           (235421)
     Self Report?
                   YES
                                                                       Classification:
                                                                                       Moderate
                       30 TAC Chapter 305, SubChapter F 305.125(1)
     Citation:
```

TWC Chapter 26 26.121(a)[G]

Failure to meet the limit for one or more permit parameter

Date: 08/31/2002 (235424)

Description:

E.

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter Date: 09/30/2002 (235427)

Self Report? YES

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G] Failure to meet the limit for one or more permit parameter

Description:

Date: 11/30/2002 (235433)

Self Report?

30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 12/31/2002

(235436)

Self Report? YES

30 TAC Chapter 305, SubChapter F 305.125(1)

Classification:

Moderate

Minor

Moderate

Moderate

Citation:

Citation:

TWC Chapter 26 26.121(a)[G]

Description:

Self Report?

Ramt Prov:

Citation:

Citation:

Citation:

Citation:

Citation:

Description:

Citation:

Failure to meet the limit for one or more permit parameter

Date: 01/06/2003

(247625)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

NON-RPT VIOS FOR MONIT PER OR PIPE (19888)

Date: 01/23/2003

Self Report? NO

OP 04013-000

(235399)

Description:

Failure to meet permitted effluent limits for TSS Daily Average, and Chlorine Residual.

Date: 01/31/2003

Self Report? YES

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G] Failure to meet the limit for one or more permit parameter Description:

Date: 02/28/2003 (235402)

Self Report? YES

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

(9857)

Failure to meet the limit for one or more permit parameter Description:

Date: 02/28/2003

Self Report? NO

30 TAC Chapter 116, SubChapter B 116.116(a)(1) Failure to operate the Thermal Oxidizer at 1500°F and 98% emission control efficiency as represented in the Permit Application

30 TAC Chapter 115, SubChapter D 115.356(1)(F)

Description: Self Report? NO

Citation:

Failure to maintain the record of calibration of fugitive monitoring instrument. Description: Classification:

Self Report? NC

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)(i)

Citation:

Failure to maintain the visible emission inspection records for 8 days during the years Description:

2001 and 2002.

NO Self Report?

Classification: 30 TAC Chapter 101, SubChapter A 101.8(a)

Failure to obtain the representative samples during the cooling tower monitoring. Description:

Date: 03/31/2003 (235405)

Self Report?

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]

Failure to meet the limit for one or more permit parameter Description:

Date: 04/04/2003 (247626)

Self Report?

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

NON-RPT VIOS FOR MONIT PER OR PIPE (235409)

Date: 04/30/2003 Self Report? YES

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

TWC Chapter 26 26.121(a)[G]

Failure to meet the limit for one or more permit parameter

Date: 05/31/2003

(235414)

YES Self Report?

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

TWC Chapter 26 26.121(a)[G]

Failure to meet the limit for one or more permit parameter Description:

Date: 06/30/2003 (235418) Self Report? YES Classification: Moderate

Moderate

Moderate

Moderate

Moderate

Classification:

Classification:

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2003 (327913)

Self Report? Classification:

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2003 (327914)YES

Self Report?

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2003 (327916)

Self Report? 30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

TWC Chapter 26 26.121(a)[G]

Failure to meet the limit for one or more permit parameter Description:

Date: 02/29/2004 (327908)

Self Report? YES Classification: Moderate

30 TAC Chapter 305, SubChapter F 305,125(1) Citation:

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2004 (327909)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

(253748)Date: 04/05/2004

Self Report? NO Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b) Rqmt Prov: PERMIT 18978, Special Condition No. 1

Description: Equistar exceeded VOC permit limits during an emissions event.

Self Report? NO Classification: Minor

30 TAC Chapter 101, SubChapter F 101.201(b)(4) Citation:

Description: Equistar failed to properly report an emissions event.

Date: 04/13/2004 (333148)

Self Report? Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)

NON-RPT VIOS FOR MONIT PER OR PIPE Description:

(327910)Date: 04/30/2004

Self Report? Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]

Failure to meet the limit for one or more permit parameter Description:

Date: 05/31/2004 (327911)

Self Report? Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

(333149)

Date: 07/01/2004

Self Report? Classification: Moderate

30 TAC Chapter 305, SubChapter F 305.125(1) Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 07/15/2004 (271763)

Self Report? Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) PERMIT NSR Permit # 19109 Special Condition #11 Rqmt Prov: PERMIT NSR Permit # 4477 Special Condition #7

Description: Failure to monitor using an approved method (Cosmo detector)

Date: 08/13/2004 (250482)

Self Report? Classification:

30 TAC Chapter 115, SubChapter D 115.354(2)(C) Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7[G] Description:

failed to monitor 23 valves in ethylene service using Method 21.

Self Report?

NO

Citation:

30 TAC Chapter 122, SubChapter B 122.145(2)(C)

Description:

Failure to report some instances of deviations (CEMS down times & semiannual

reporting) in the report dated December 15, 2003.

Self Report?

Citation:

30 TAC Chapter 117, SubChapter B 117.219(d)(3)

Description:

Failure to submit the semiannual reports regarding continuous emissions monitoring

system (CEMS) down times.

Date: 08/31/2004 (273293)

Self Report? Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Description:

Equistar failed to prevent pluggage of the impulse lines which resulted in a compressor shutdown which resulted in excess

Classification:

Classification:

Classification:

Classification:

Classification:

Moderate

Minor

Moderate

Moderate

Moderate

Moderate

emissions.

Date: 08/31/2004 (270110)

Self Report? Citation:

30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)

Description:

Exceeded permit limits.

Date: 12/13/2004

(253708)

Self Report?

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Ramt Prov:

Citation:

PA NSR Permit No. 4477

Description:

Failed to re-calibrated the pressure transducers in the reactor system which resulted in excess emissions.

Date: 12/13/2004

(291053)

(339171)

(287807)

Self Report?

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b) PA TCEQ Air Permit #4477, SC #1

Rqmt Prov:

Citation:

Description:

Failed to change the seal air filters and properly conduct maintenance on the rental compressor equipment which resulted in excess emissions.

Classification:

Date: 12/20/2004

Self Report?

Classification:

Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)

Ramt Prov:

PA TCEQ Air Permit #5226, SC#1

Description:

Failed to maintain the normal operating pressure of the ethylene supply line causing the pressure relief valve to open which

resulted in excess emissions.

Date: 12/21/2004

Self Report?

Classification:

Classification:

Moderate

Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rgmt Prov: Description: PA TCEQ Air Permit #4477, SC#1

Date: 12/30/2004

Failed to maintain the proper liquid level in the knockout drum which resulted in excess emissions.

(338823)

Self Report?

30 TAC Chapter 116, SubChapter B 116.115(c)

Citation:

5C THC Chapter 382, SubChapter A 382.085(b)

Ramt Prov:

PA TCEQ Air Permit # 18978, SC #1

Description:

Failed to maintain the set screws securing the secondary seal resulting in the failure of pump 3604JB which resulted in

Date: 12/31/2004

Self Report?

(367341)

30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]

Description:

Date: 01/05/2005

Failure to meet the limit for one or more permit parameter

(342314)

Self Report?

excess emissions.

Classification:

Classification:

Classification:

Moderate

Moderate

Moderate

Citation

Citation:

30 TAC Chapter 111, SubChapter A 111.111(a)(1)(C) 30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)

Rgmt Prov:

PA TCEQ Air Permit #18978, SC#4

Description: Date: 01/06/2005

Failed to prevent the excess O2 valve from closing which resulted in excess emissions.

Self Report?

(275598)

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b) Ramt Prov:

PA TCEQ Air Permit #18978, SC#1

Description:

Failed to prevent the over-pressurization of the depropanizer due to non-condensable impurities in the feed stream from an

Classification:

Classification:

Classification:

Classification:

Classification:

abnormal upstream process condition which resulted in excessive emissions.

Date: 03/16/2005

Self Report?

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)

Rgmt Prov:

PA TCEQ Air Permit #18978, SC#1

Description:

Failed to open a 12" block valve required for F9 feed in prior to placing DMS in the furnace leading to the temporary

poisoning of the MA/PD reactor which resulted in excess emissions.

Date: 03/31/2005

Self Report?

Classification: Moderate

Moderate

Moderate

Minor

Moderate

Minor

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 03/31/2005

(427695)

(372522)

Self Report?

30 TAC Chapter 115, SubChapter E 115.421(a)(9)(A)(ii)

Citation:

Description:

Failed to limit the VOC emissions from surface coating facility activities in three days

during certification period in the XL unit/common areas.

Date: 04/22/2005

Self Report?

Classification: Moderate

Citation: Description; 30 TAC Chapter 116, SubChapter B 116.116(a)(1)

Failure to represent the emissions properly in the Permit Amendment Application dated

September 17, 1999.

(348993)

Self Report?

NO

NO

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)

Citation:

Description:

Failure to monitor 11 valves in VOC service in the ABIII Units using 40 CFR part 60,

Method 21

Self Report? Citation:

30 TAC Chapter 115, SubChapter D 115.352(2)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(d)(6)

Description:

Citation:

Failure to repair the pumps in VOC service in the ABIII Units within 15 days and also

make the first attempt of repair within five days

Self Report?

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov:

PERMIT No. 4477, S.C. No.2

OP O-02225, S.C. 11.A

Description: Failure to limit the production rates below the 31,300 lb/hr for five days during

certification period in the ABIII Units.

Self Report?

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

Rqmt Prov:

PERMIT No. 4477, S.C. No. 11.E

Description:

OP O-02225, S.C. No. 11.A Failure to cap or plug 38 open ended lines in the ABIII units.

Self Report?

Classification:

Citation:

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)(4)

Description:

Failure to include the total number of valves and pumps to the fugitive monitoring

program (revisions) in the semiannual report for the period ending June 30, 2004. (379025)

Date: 05/03/2005

Self Report?

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)

Ramt Prov:

PA Permit#18978, SC #10A

Description:

The CEMS were not operated in the time shared mode as required. During the RATA,

the CEMS were operated in a dedicated or locked mode for the tests. The CEMS were

locked on one furnace for the nine-21 minute runs.

Date: 05/03/2005 (379027)

Self Report? NO Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116,115(c)

Rqmt Prov:

PA Permit#18978, SC - 10A

Description:

The CEMS were not operated in the time shared mode as required and were not certified. During the RATA, the CEMS were operated in a dedicated or locked mode for

the tests. The CEMS were locked on one furnace for the nine-21 minute runs.

Date: 05/03/2005

Self Report?

(379023)

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)

Rgmt Prov:

PA Permit Nos. 18978, SC No. 10A

Description:

Citation:

The CEMS were not operated in the time shared mode as required and were not

certified. During the RATA, the CEMS were operated in a dedicated or locked mode for

the tests

Date: 05/31/2005 (427697)

Self Report?

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Failure to meet the limit for one or more permit parameter Description:

Date: 07/06/2005 (398300)

Self Report?

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)

Citation:

Failure to completely seal the plug on the open ended lines resulting in excess emissions. Description:

Date: 07/29/2005

Self Report?

30 TAC Chapter 115, SubChapter D 115.354(2)(C)

Citation: Rqmt Prov:

Description:

OP O-02224, SC 1.A

Failure to monitor 24 valves in Volatile Organic Compound (VOC) service using Method

NO Self Report?

30 TAC Chapter 122, SubChapter B 122.145(2)(C)

Citation: Description:

Failure to report three instances of deviations (non reportable emissions events that occurred on January 22, January 26 and April 19, 2004) in the report dated June 21, 2004. The regulated entity submitted these deviations on September 30, 2004.

Self Report?

NO

Classification:

Classification:

Classification:

Classification:

Classification:

Classification:

Classification:

Classification: Minor

Moderate

Moderate

Moderate

Moderate

Minor

Moderate

Moderate

30 TAC Chapter 115, SubChapter D 115.352(4)

Citation: Rgmt Prov:

Citation:

OP O-02224, SC1.A

Description:

Failure to cap or plug three open ended lines and two valves at the end of the line in the

utilities unit.

Date: 08/08/2005

(404125)

Self Report?

30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 115, SubChapter D 115.354(2)(C)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)

Rqmt Prov:

PERMIT 18978 & PSD-TX-752M3, SC 13.F

Description:

Failure to monitor 31 valves in VOC service in the olefins unit using 40 CFR part 60,

Method 21 within 30 days of addition to the HRVOC Service.

Self Report?

30 TAC Chapter 116, SubChapter B 116.116(a)(1)

Citation: Description:

Failure to represent emissions from the Propylene Refrigeration Compressor, the Process Gas Compressor, and the Ethylene Refrigeration Compressor sour oil vents

from olefins unit in the NSR Permit Application dated October 13, 2003.

Self Report?

30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter B 116.115(c)

Rgmt Prov:

Citation:

PERMIT 18978 & PSD-TX-752M3 SC NO.13E

Description:

Failure to cap or plug 64 open ended lines in the olefins unit.

Self Report?

Classification: Moderate

Citation:

30 TAC Chapter 122, SubChapter B 122.145(2)(C)

Description:

Failure to report some instances of deviations in the olefins unit in the report dated July

21, 2004. The regulated entity submitted these deviations on October 1, 2004.

Self Report?

Minor Classification:

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov:

PERMIT 18978 & PSD-TX-752M3, SC 16E

Description:

Failure to include the details regarding the CEMS down times (date, time, and nature of the system repairs) in the quarterly reports when CEMS down time exceeded more than

5% of the operating time as required by 40 CFR 60.7(c)(3) in the olefins unit for third

quarter of 2004.

Date: 08/10/2005 (402106)

Self Report?

Classification:

Classification:

Moderate

Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:

PA TCEQ Air Permit #18978, SC#1

Description:

Failure to prevent a pinhole leak on the propylene dryer inlet drain piping.

Date: 08/19/2005 (404431)

Self Report? Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Ramt Prov:

PA TCEQ Air Permit No. 19109, SC#1

Description:

Failure to prevent an avoidable emissions event.

Date: 08/24/2005 (392722)

Self Report?

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)

Rgmt Prov:

PA TCEQ Air Permit #4477, SC#1

Description:

Failed to prevent the C4202 secondary compressor shutdown which caused excess emissions.

Classification:

Classification:

Classification:

Classification:

Classification:

Date: 09/30/2005 (492906)

Self Report?

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 11/30/2005

(492908)

Self Report?

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Citation:

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 12/31/2005 Self Report?

(492909)

Classification:

Moderate

Moderate

Minor

Moderate

Moderate

Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Date: 01/20/2006 Failure to meet the limit for one or more permit parameter

(439064)

Self Report?

30 TAC Chapter 116, SubChapter B 116.115(c)

Citation:

30 TAC Chapter 122, SubChapter B 122.143(4)

Rgmt Prov:

PERMIT NSR 4477, SC 2 OP O-02225, SC 11A

Description:

It was determined that Equistar failed to maintain the maximum production rate at the

ABIII Unit on January 1, 2005.

Self Report?

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(d)(5)[G]

Rgmt Prov:

OP O-02225, SC 1A

Description:

Citation:

It was determined that Equistar failed to check the sensors for six pumps on January 22,

2005. This constitutes a violation of 40 CFR 60.482-2(d)(5)(i).

Self Report?

NO

Classification: Moderate

Citation:

30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 115, SubChapter H 115.783(5) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

Rgmt Prov:

PERMIT NSR 4477, SC 9E OP O-02225, SC 11A

OP O-02225, SC 1A

Description:

It was determined that Equistar failed to equip open-ended lines with a second valve, cap, or plug on 64occasions in the fugitive area (L3FUG). This constitutes a violation of

30 TAC 115.352(4), 115.783(5), and 116.115(c), and 40 CFR 60.482-6(a)(1).

Self Report? NO

Classification:

Minor

Citation:

30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 115, SubChapter H 115.783(5) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

Rgmt Prov:

PERMIT NSR 5836, SC 1E OP O-02225, SC 1A & SC 11A

Description:

It was determined that Equistar failed to equip open-ended lines with a second valve, cap, or plug on 26 occasions in the fugitive area (MRUFUG). This constitutes a violation

of 30 TAC 115.352(4), 115.783(5), and 116.115(c), and 40 CFR 60.482-6(a)(1).

Self Report?

Classification: Minor

Citation:

30 TAC Chapter 106, SubChapter K 106.261(a)(7)(B) 30 TAC Chapter 116, SubChapter B 116.110(a)(4) 30 TAC Chapter 122, SubChapter B 122.143(4)

It was determined that Equistar failed to satisfy the conditions of Permitted-by-Rule Description:

(PBR) 106.261 for the installation of a propylene seal pot in the ABIII Unit. This

Classification:

Classification:

Moderate

Minor

constitutes a violation of 30 TAC 116.110(a)(4).

Self Report?

Citation:

Citation:

30 TAC Chapter 115, SubChapter B 115.121(a)(1)

30 TAC Chapter 116, SubChapter B 116,115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

PERMIT NSR 4477, SC 1 Rgmt Prov:

OP O-02225, SC 1A & 11A

Equistar failed to properly maintain VOC emissions from storage silos(L3SILOS) in the Description:

ABIII Unit on the following three occasions: 1,134 ppm on 10/8/04, 1,127 ppm on

4/11/05, and 1,158.6 ppm on 8/9/05.

Self Report?

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

PERMIT NSR 4477, SC 7B Rgmt Prov:

OP O-02225, SC 11A

It was determined that Equistar failed to continuously monitor the presence of flare pilot Description:

flames for the flare (L3Flare) on May 26 & 27, 2005. This constitutes a violation of 30

TAC 116.115(c).

Self Report?

Classification: Minor NO

30 TAC Chapter 115, SubChapter B 115.146(1) Citation:

30 TAC Chapter 122, SubChapter B 122.143(4)

OP O-02225, SC 5A Ramt Prov: It was determined that Equistar failed to maintain records on industrial wastewater Description:

streams as needed to demonstrate compliance with 30 TAC 115.142. This constitutes a

violation of 30 TAC 115.146(1).

(439066)Date: 01/20/2006

Self Report?

Classification: Moderate

30 TAC Chapter 117, SubChapter B 117.213(c)(1)(A) Citation:

30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP SC 1A

failure to monitor NOx emissions for Boilers G and H on 18 occasions Description:

Classification: Minor Self Report?

30 TAC Chapter 115, SubChapter D 115.352(4) Citation:

30 TAC Chapter 115, SubChapter H 115.783(5) 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

Ramt Prov:

OP SC 1A

It was determined that Equistar failed to equip two open-ended lines with caps/plugs. Description:

This constitutes a violation of 30 TAC 115.352(4), 30 TAC 115.783(5), and 40 CFR

60.482-6(a)(1).

Self Report?

Classification: Minor

30 TAC Chapter 117, SubChapter B 117.206(i) Citation: 30 TAC Chapter 122, SubChapter B 122,143(4)

OP SC 1A Rgmt Prov:

Equistar failed to operate diesel engines outside of the restricted hours between 6:00 Description:

a.m. and noon on two occasions. This constitutes a violation of 30 TAC 117.206(i).

Self Report? NO

Citation:

Classification: 30 TAC Chapter 101, SubChapter H 101.359(a)[G]

30 TAC Chapter 122, SubChapter B 122.143(4)

Rgmt Prov:

Equistar failed to submit NOx ECT-1 Annual Report for Boilers G and H, and Polymers Description:

Diesel Engines by the deadline of March 31, 2005. This constitutes a violation of 30

TAC 101.359(a).

Self Report?

Minor Classification:

Citation: 30 TAC Chapter 117, SubChapter B 117.216(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

OP SC 1A Rgmt Prov:

It was determined that Equistar failed to submit NOx Final Report Plan for Boilers G and Description:

H, and Polymers Diesel Engines by the deadline of March 31, 2005. This constitutes a

violation of 30 TAC 117.216(c).

Self Report?

Classification: Minor

Minor

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT SC 1

OP SC 8

It was determined that Equistar failed to properly maintain CO emissions from Description:

Self Report?

NO

Classification: Minor

Citation:

30 TAC Chapter 116, SubChapter B 116,115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)

Rgmt Prov:

PERMIT SC 1

OP SC 8

Description:

It was determined that Equistar failed to properly maintain CO emissions from Boiler H

on April 5 and 12, 2005. This constitutes a violation of 30 TAC 116.115(c).

Date: 03/17/2006

(454588)

Self Report?

30 TAC Chapter 117, SubChapter B 117.213(e)(4)(B)(ii)

Citation:

Citation:

Description:

Violation of 117.213 (e)(4)(B)(ii). Failed to operate the CEMS system in a time shared

mode while conducting CEMS RATA.

Date: 03/17/2006

(454029)

Self Report?

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:

PERMIT No. 19109, Special Condition No. 1

Equistar falled to prevent an avoidable emissions event. Description: Date: 03/17/2006

(454636)

Self Report?

Classification:

Classification:

Classification:

Moderate

Moderate

Moderate

Citation:

30 TAC Chapter 117, SubChapter B 117.213(e)(4)(B)(ii)

Description:

Violation of 117.213 (e)(4)(B)(ii). Failed to operate the CEMS system in a time shared

mode while conducting CEMS RATA.

Date: 08/29/2006

Self Report?

Classification:

Minor

Citation:

30 TAC Chapter 111, SubChapter B 111.205(a) 5C THC Chapter 382, SubChapter A 382.085(b)

Description:

Equistar failed to provide fire training notification for the training that occurred on

October 6, 2004.

(458894)

Self Report?

30 TAC Chapter 111, SubChapter A 111.111(a)(8)(A)

5C THC Chapter 382, SubChapter A 382,085(b)

Description:

Citation:

Equistar failed to maintain visible emissions from a portable diesel lighting system south

of AB3 flare within the 30% opacity limit on October 23, 2004.

Date: 10/31/2006 (551952)

Self Report?

Classification:

Classification:

Classification:

Moderate

Moderate

Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Date: 11/16/2006

Failure to meet the limit for one or more permit parameter

(519602)

Self Report?

30 TAC Chapter 116, SubChapter B 116.115(c)

Citation:

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:

PA TCEQ Permit #18978, SC#1

Description:

Failure to prevent the unauthorized emissions of HRVOC and VOC from the decoking

drum.

Self Report? NO Classification:

Minor

Minor

Citation:

30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)

Description:

Failure to include the permit number in the final report.

Self Report?

Date: 12/18/2006 (517871)

Citation:

30 TAC Chapter 319, SubChapter A 319.11(b)

Description:

Failure to perform the manganese oxide correction analysis.

Date: 02/16/2007

(532610)

Self Report?

Classification: Moderate

Classification:

Citation:

30 TAC Chapter 115, SubChapter H 115.725(c)[G]

30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)

Rgmt Prov: Description: OP O-02225, Special Condition 1.H

Failure to install a continuous monitoring system for pressure relief valve V4229RV1.

Self Report? Citation:

NO

Classification:

Moderate

30 TAC Chapter 115, SubChapter H 115,783(5)

30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122,143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1) 5C THC Chapter 382, SubChapter D 382.085(b) PERMIT 5836, Special Condition 4E Failure to seal open-ended lines containing volatile organic compounds. Classification: Minor 30 TAC Chapter 115, SubChapter C 115.216(3)(A)[G] 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) OP O-02225, Special Condition 1.A. Failure to maintain appropriate records of a land based volatile organic compound (VOC) transfer to a transport vessel. Classification: Moderate 30 TAC Chapter 115, SubChapter C 115.214(a)(1)(C) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) OP O-02225, Special Condition 8.A.(i) Failure to ensure a tank-truck being filled with VOCs had a current annual leak test. Classification: Moderate 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) PERMIT 4477, Special Condition 3 OP O-02225, Special Condition 11.A Failure of preventing the exceedence of the production limit as listed in Table 2 of the confidential section of the permit application. (CATEGORY B19.g.1) Classification: Moderate 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) PERMIT 4477, Special Condition 9F OP O-02225, Special Condition 11.A Failure to conduct valve monitoring for three consecutive quarters. Date: 02/27/2007 (532609)Classification: Moderate 30 TAC Chapter 115, SubChapter H 115.725(d)(4) 5C THC Chapter 382, SubChapter D 382.085(b) Failure to analyze the HRVOC concentrations in the ARU flare (EPN: QE3050B) flare header gas. (B.19.g.1) Moderate Classification: 30 TAC Chapter 115, SubChapter D 115.352(1)[G] 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-9(d)(2) 5C THC Chapter 382, SubChapter D 382.085(b) OP O-02223, Special Condition 1.A. Failure of not repairing pumps seals within the six month deadline. (B19.g.(1)) Classification: Moderate 30 TAC Chapter 115, SubChapter D 115.354(5) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) OP O-02223, Special Condition 1.A. OP O-02223, Special Condition 13.A PERMIT Permit 18978/PSD-TX-752M3, SC 13.H. Failure to place leaker tags on equipment designating it as leaking components. Moderate Classification: 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-1(d) 5C THC Chapter 382, SubChapter D 382.085(b) OP O-02223, Special Condition 1.A. Failure to identify fugitive components on tubing/piping associated with a sampling system in "benzene" service. (B19.g.(1))

Description:

Rgmt Prov:

Description:

Self Report?

Rqmt Prov:

Description:

Self Report?

Rgmt Prov:

Description:

Self Report? Citation:

Rqmt Prov:

Description:

Self Report?

Rqmt Prov:

Description:

Self Report?

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Self Report?

Rqmt Prov:

Description:

Self Report?

Rgmt Prov:

Citation:

Citation:

Citation:

Citation:

Citation:

Citation:

Self Report?

Citation:

Rqmt Prov:

Description:

Classification: Moderate Self Report? NO

30 TAC Chapter 115, SubChapter D 115.352(4) Citation:

30 TAC Chapter 115, SubChapter H 115.783(5) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

5C THC Chapter 382, SubChapter D 382.085(b)

OP O-02223, Special Condition 1.A. Rqmt Prov: OP O-02223, Special Condition 13.A. PERMIT Permit 18978/PSD-TX-752M3, SC 13.E.

Description: Failure to seal open-ended lines in HRVOC and VOC service.

Self Report? NO Classification: Minor

30 TAC Chapter 117, SubChapter B 117.219(d)(5) Citation: 5C THC Chapter 382, SubChapter D 382.085(b)

Failure to submit the CEMS downtime report in a timely manner. Description:

Self Report? Classification: Minor

Citation:

30 TAC Chapter 115, SubChapter E 115,412(1)(A) 5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to keep the degreaser lid closed.

Self Report? Classification:

Citation:

30 TAC Chapter 115, SubChapter C 115.214(a)(1)(C) 30 TAC Chapter 122, SubChapter B 122,143(4)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-02223, Special Condition 6.A.(i)

Failure to ensure trailers being filled with VOCs had a current annual leak test. Description: Self Report? NO Classification: Moderate

Citation:

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)

5C THC Chapter 382, SubChapter D 382.085(b)

Ramt Prov: OP O-02223, Special Condition 1.A.

Failure to ensure the net heating value of flare QE8050B did not drop below 300 Btu/scf. Description:

(B19.g.(1))

Classification:

Classification:

Minor

Moderate

Moderate

NO Self Report?

Classification: Moderate Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(c)(2)

Description:

Failure to ensure the wastewater met the 10 ppm standard. (B19.g.(1))

Classification: Moderate

Self Report?

30 TAC Chapter 117, SubChapter B 117.214(b)(2)

5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to stack test six diesel air compressors and one diesel engine pump. (B19.g.(1))

Self Report?

Citation:

Citation:

NO

30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter D 382.085(b) Rgmt Prov:

OP O-02223. Special Condition 13.A. PERMIT Permit 18978/PSD-TX-752M3, SC 1

Failure to ensure two diesel engines did not exceed the permitted tons/year allowable. Description:

(B19.g.(1))

Self Report?

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116.110(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) OP O-02223, General Terms and Conditions

Rgmt Prov:

Description: Failure to include two compressors in the MAERT as emission points. (B19.g.(1)) Self Report? Classification: Moderate

Citation:

30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)

Rgmt Prov:

OP O-02223, Special Condition 3.A.(i)

Description: Failure to prevent the exceedance of the opacity limit for the MAPD decoking process.

(B19.g.(1))

Self Report?

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)

OP O-02223, Special Condition 13.A. Rgmt Prov:

PERMIT Permit 18978/PSD-TX-752M3, SC 1 PERMIT Permit 18978/PSD-TX-752M3, SC 3/B.

Description:

Failure to prevent the exceedance of permitted allowables for Furnaces 1, 4, 5, 7, 8,

and 9. (Category B19.g.(1))

Self Report? Citation:

Classification: Moderate

30 TAC Chapter 116, SubChapter B 116,115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter D 382.085(b)

Rgmt Prov: OP O-02223, SC 13.A.

PERMIT Permit 18978/PSD-TX-752M3, SC 1 PERMIT Permit 18978/PSD-TX-752M3, SC 2.B. PERMIT Permit 18978/PSD-TX-752M3, SC 3.B.

Failure to prevent the exceedance of permitted allowables for Boilers A and B. Description:

(B19.g.(1))

Date: 04/04/2007 (542370)

Classification: Moderate Self Report?

30 TAC Chapter 116, SubChapter B 116.115(c) Citation:

5C THC Chapter 382, SubChapter D 382.085(b)

Rgmt Prov: PA Permit #4477, Special Condition #1

Failure to prevent unauthorized emissions of ethylene, particulate matter, and vinyl Description:

acetate/

Date: 04/05/2007 (542368)

Classification: Moderate Self Report?

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter D 382.085(b)

PA TCEQ Permit #4477, Special Condition #1 Ramt Prov:

Failure to prevent the unauthorized emission of ethylene. Description:

Date: 05/24/2007 (558701)

Classification: Moderate Self Report?

30 TAC Chapter 116, SubChapter B 116.115(c) Citation:

5C THC Chapter 382, SubChapter D 382.085(b)

PA Permit #18978 Rqmt Prov:

Failure to prevent the unauthorized emissions of HRVOC and VOC. Description:

Date: 07/09/2007 (532634)

Minor Self Report? Classification:

30 TAC Chapter 116, SubChapter B 116.115(c) Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT NSR Permit 19109, SC 6A

OP Title V Permit O-01606, SC 1A & SC 9A

failed to maintain the heating value of the gas being combusted being 300 Btu/scf or Description:

greater in the Q-1 Flare (HSFLARE) on December 11, 2005.

Self Report? Classification: Minor

30 TAC Chapter 115, SubChapter H 115.725(d)(2)[G] Citation: 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP Title V Permit O-01606

failed to properly perform the initial calibration of the highly reactive volatile organic Description:

compounds (HRVOC) analyzer for the Q-1 Flare by January 31, 2006, and also failed to

perform daily calibrations until March 17, 2006.

Classification: Minor Self Report?

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6) 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter D 382.085(b)

OP Title V Permit O-01606, SC 1A Ramt Prov:

failed to properly perform the initial calibration of the highly reactive volatile organic Description:

compounds (HRVOC) analyzer for the cooling tower (Q1CT) until March 30, 2006, and

also failed to perform daily calibrations on April 9 and 10, 2006.

Classification: Moderate Self Report?

30 TAC Chapter 115, SubChapter H 115.725(c)(1)[G] Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter D 382.085(b)

OP Title V Permit O-01606, SC 1A Rgmt Prov: Description:

failed to install a continuous monitoring system to determine status of relief valves and duration of pressure relief events for pressure relief valves (HRVOC PSV) on the butene

unloading system: PSV-R1779, PSV-R724, and PSV-J781RV.

Classification: Self Report?

30 TAC Chapter 115, SubChapter H 115.725(a)(2)(D) Citation:

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter D 382.085(b)

OP Title V Permit O-01606, SC 1A Rqmt Prov:

failed to maintain operating limits established during the HRVOC emission test on four Description:

occasions

Classification: Minor NO Self Report?

30 TAC Chapter 115, SubChapter D 115.352(4) Citation:

30 TAC Chapter 115, SubChapter H 115.783(5) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

5C THC Chapter 382, SubChapter D 382.085(b)

PERMIT NSR Permit 19109, SE 12E Rqmt Prov: OP Title V Permit O-01606, SC 1A & 9A

failed to equip open-ended lines with a plug or second valve on two occasions. Description:

Classification: Self Report? NO

30 TAC Chapter 116, SubChapter B 116.115(c)

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter D 382,085(b) Rqmt Prov: PERMIT NSR Permit 19109, SC 1 OP Title V Permit O-01606, SC 9A Description: failed to maintain VOC emissions from railcar unloading to storage. Self Report? Classification: Minor 30 TAC Chapter 116, SubChapter B 116.115(c) Citation: 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) PERMIT NSR Permit 19109, SC 7D Rgmt Prov: OP Title V Permit O-01606, SC 9A failed to continuously monitor the incinerator stack oxygen concentration on October 4, Description: 2005. Self Report? NO Classification: Minor 30 TAC Chapter 116, SubChapter B 116.115(c) Citation: 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) PERMIT NSR Permit 19109, SC 8 Rgmt Prov: OP Title V Permit O-01606, SC 9A failed to perform the required cylinder gas audit (CGA) on the oxygen analyzer by March Description: 31, 2006. Self Report? NO Classification: 30 TAC Chapter 116, SubChapter B 116.115(c) Citation: 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) Control of the selection of the PERMIT NSR Permit 19109, SC 2 Rgmt Prov: OP Title V Permit O-01606, SC 9A Description: failed to limit the volatile organic compounds (VOC) content in the polyethylene powder exiting the product purge bin to 100 ppm by weight on October 31, 2005. Self Report? Classification: NO Minor Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) PERMIT NSR Permit 19109, SC 1 Rgmt Prov: OP Title V Permit O-01606, SC 9A failed to maintain NOx emissions from the Q-1 Flare (HSFLARE) within the limit of 0.50 Description: lb/hr. Classification: Self Report? NO 30 TAC Chapter 116, SubChapter B 116,115(c) Citation: 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) Rqmt Prov: PERMIT NSR Permit 19109, SC 9 OP Title V Permit O-01606, SC 9A Description: failed to maintain a sock filter on the powder feeder hopper on April 8, 2006: Environmental audits. Notice of Intent Date: 02/03/2003 (33159)

No DOV Associated

Notice of Intent Date:

12/05/2003 (263141)No DOV Associated

Type of environmental management systems (EMSs). G.

N/A

F.

Η. Voluntary on-site compliance assessment dates.

N/A

Participation in a voluntary pollution reduction program. 1.

N/A

Early compliance. J.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
EQUISTAR CHEMICALS, LP	§	
RN100210319	§	ENVIRONMENTAL QUALITY

# AGREED ORDER DOCKET NO. 2007-0938-AIR-E

At its	agenda, the Texas Commission on Environmental Quality ("the
Commission" or "TCEO")	considered this agreement of the parties, resolving an enforcement action
	ils, LP ("Equistar") under the authority of Tex. HEALTH & SAFETY CODE ch.
	DE ch. 7. The Executive Director of the TCEQ, through the Enforcement
	ented this agreement to the Commission.

Equistar understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Equistar agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon Equistar.

The Commission makes the following Findings of Fact and Conclusions of Law:

#### I. FINDINGS OF FACT

1. Equistar owns and operates a chemical plant at 1515 Miller Cut Off Road in La Porte, Harris County, Texas (the "Plant").

- 2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
- 3. During an investigation on April 20, 2006, TCEQ staff documented that on December 13, 2005, Equistar failed to prevent excessive vibration and the rupture of pressure safety valve ("PSV") inlet piping which was connected to an associated header line in the Olefins Manufacturing Unit. The piping failure resulted in the release of 9,900 pounds ("lbs") of ethylene from ruptured piping and 2,981 lbs of volatile organic compounds ("VOC"), 8,368 lbs of carbon monoxide, and 1,610 lbs of nitrogen oxides from the main elevated flare during an event that lasted two hours. Staff also determined that this release was an excessive emissions event; therefore, the affirmative defense in 30 Tex. Admin. Code § 101.222 is not applicable.
- 4. During a record review on April 13, 2007, TCEQ staff documented that on March 4, 2007, Equistar failed to prevent secondary compressor cylinder vibration at the AB-III Polyethylene Unit which led to the compressor shutdown and the unauthorized emissions of 1,201.32 lbs of ethylene, 124.56 lbs of particulate matter, 18.39 lbs of propylene and 64.77 lbs of vinyltrimethoxysilane from reactor vents during an event which lasted 27 minutes. Equistar also exceeded the one-hour highly-reactive VOC ("HRVOC") emission cap of 1,200 lbs when 1,219.71 lbs of ethylene and propylene, both HRVOC, were released in 27 minutes. Equistar failed to identify the underlying cause or contributing factors leading up to the emissions event. Equistar failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222 because it could not be determined whether the event was unavoidable.
- 5. Equistar received notices of the violations on May 14, 2007 and June 4, 2007.
- 6. The Executive Director recognizes that Equistar has implemented the following corrective measures at the Plant for the December 13, 2005 incident:
  - a. On March 20, 2006, modified the unit start-up procedure to prevent blocked-in and contained ethylene in PSV piping;
  - b. On March 25, 2006, added pipe supports to eliminate excessive vibration and performed liquid penetrant inspection on similarly designed tie-in points of thermal relief valves on the feed and product lines;
  - c. On December 13, 2006, reviewed and revised the unit process hazard analysis/relief valve sizing to verify adequate sizing of relief valves and shared incident findings and hazard recognitions with all operation shifts; and
  - d. On July 2, 2007, submitted a Corrective Action Plan ("CAP") to the TCEQ Houston Regional Office which was approved on August 28, 2007. The plan had been completed before it was approved.

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#### II. CONCLUSIONS OF LAW

- 1. Equistar is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
- 2. As evidenced by Findings of Fact No. 3, Equistar failed to control unauthorized emissions on December 13, 2005, in violation of 30 Tex. ADMIN. CODE §§ 101.20(3), 116.115(c), Permit No. 18978/PSD-TX-752M3, Special Condition ("SC") No. 1, Tex. Health & Safety Code § 382.085(b).
- 3. As evidenced by Findings of Fact No. 4, Equistar failed to control unauthorized emissions on March 4, 2007, in violation of 30 Tex. ADMIN. CODE §§ 115.722(c)(1), 116.115(c), Permit No. 4477, SC No. 1, Tex. Health & Safety Code § 382.085(b).
- 4. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Equistar for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
- 5. An administrative penalty in the amount of Fifty Thousand Dollars (\$50,000) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Equistar has paid Twenty-Five Thousand Dollars (\$25,000) of the administrative penalty, and Twenty-Five Thousand Dollars (\$25,000) shall be conditionally offset by Equistar's completion of a Supplemental Environmental Project.

#### III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Equistar is assessed an administrative penalty in the amount of Fifty Thousand Dollars (\$50,000) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Equistar's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Equistar Chemicals, LP, Docket No. 2007-0938-AIR-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

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- 2. Equistar shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with Tex. Water Code § 7.067. As set forth in Section II, Paragraph 5, Twenty-Five Thousand Dollars (\$25,000) of the assessed administrative penalty shall be offset with the condition that Equistar implement the SEP defined in Attachment A, incorporated herein by reference. Equistar's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
- 3. Equistar shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, implement improvements to designs, operations, and/or maintenance practices that address the causes leading to the March 4, 2007 emissions event and are designed to prevent recurrence of same or similar incidents; and
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 3.a. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

"I certify that under the penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtained the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Manager, Air Section Houston Regional Office Texas Commission on Environmental Quality 5425 Polk Avenue, Suite H Houston, Texas 77023-1486

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- 4. The provisions of this Agreed Order shall apply to and be binding upon Equistar. Equistar is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
- 5. If Equistar fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Equistar's failure to comply is not a violation of this Agreed Order. Equistar shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Equistar shall notify the Executive Director within seven days after Equistar becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Equistar shall be made in writing to the Executive Director. Extensions are not effective until Equistar receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Equistar if the Executive Director determines that Equistar has not complied with one or more of the terms or conditions in this Agreed Order.
- 8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 9. This Agreed Order, issued by the Commission, shall not be admissible against Equistar in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 10. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 Tex. ADMIN. CODE § 70.10(b) and Tex. GOV'T CODE § 2001.142.

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Equistar Chemicals, LP DOCKET NO. 2007-0938-AIR-E Page 6

For the Commission

Name (Printed or typed) Authorized Representative of Equistar Chemicals, LP

# SIGNATURE PAGE

I, the undersigned, have read and understand the attached Agreed Order in the matter of Equistar Chemicals, LP. I am authorized to agree to the attached Agreed Order on behalf of Equistar Chemicals, LP, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in

I understand that by entering into this Agreed Order, Equistar Chemicals, LP waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes

accepting payment for the penalty amount, is materially relying on such representation.

full and final adjudication by the Commission of the violations set forth in this Agreed Order.

1/22/2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

I also understand that failure to comply with the Orderir timely pay the penalty amount, may result in:	ng Provisions, if any, in this order and/or failure to
• A negative impact on compliance history;	
• Greater scrutiny of any permit applications subr	nitted;
	Office for contempt, injunctive relief, additional
• Increased penalties in any future enforcement ac	ctions;
• Automatic referral to the Attorney General's Of	fice of any future enforcement actions; and
<ul> <li>TCEQ seeking other relief as authorized by law</li> </ul>	
In addition, any falsification of any compliance docume	nts may result in criminal prosecution.
Signature Signature	10-25-07 Date
Marcus IXI Garda.	Plant Manager

**Instructions**: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues

Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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# Attachment A Docket Number: 2007-0938-AIR-E

#### SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:

Equistar Chemicals, LP

**Payable Penalty Amount:** 

Fifty Thousand Dollars (\$50,000)

**SEP Amount:** 

Twenty-Five Thousand Dollars (\$25,000)

Type of SEP:

Pre-approved

**Third-Party Recipient:** 

Houston-Galveston AERCO's Clean Cities/Clean Vehicles

**Program** 

**Location of SEP:** 

**Harris County** 

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

# 1. Project Description

#### A. Project

The Respondent will contribute to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program in Harris County. The contribution will be used in accordance with the *Supplemental Environmental Project Agreement between the Houston-Galveston AERCO and the Texas Commission on Environmental Quality*. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

#### B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions on buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

#### C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

#### 2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Houston-Galveston Area Council Houston-Galveston AERCO P.O. Box 22777 Houston, Texas 77227-2777

## 3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division Attention: SEP Coordinator, MC 219 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

#### 4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality Financial Administration Division, Revenues Attention: Cashier, MC 214 P.O. Box 13088 Austin, Texas 78711-3088

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Equistar Chemicals, LP Agreed Order - Attachment A

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

# 5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

# 6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

#### 7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

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